

COMMERCIAL.

WEDNESDAY EVENING, SEPT. 22, 1858.

We have to record a week of some considerable activity in business, and an unusual haste about the wharves and among the shipping. A singular occurrence, and the first of its kind, was noticed on Thursday last, when four large clipper ships, the *Albatross*, *Albatross*, *Albatross*, and *Albatross*, followed each other in quick succession past Diamond Head, and entered the port. The *Albatross* was the only one of the four that came freighted, and her cargo was quite small, consisting of flour, oats and vegetables. The other three, *Albatross*, *Albatross*, and *Albatross*, were all bound for San Francisco. The *Albatross* was the only one of the four that came freighted, and her cargo was quite small, consisting of flour, oats and vegetables. The other three, *Albatross*, *Albatross*, and *Albatross*, were all bound for San Francisco. The *Albatross* was the only one of the four that came freighted, and her cargo was quite small, consisting of flour, oats and vegetables. The other three, *Albatross*, *Albatross*, and *Albatross*, were all bound for San Francisco.

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BIRTH.

In this city, Sept. 17, the wife of A. P. Brickwood, of a daughter.

DIED.

In this city, on the 10th inst., Miss Clara Charlotte Eames, aged 16 years, a native of New York. She was the daughter of Mr. and Mrs. Eames, of New York. She was a very accomplished young lady, and was much beloved by her friends. She died of a sudden attack of fever.

THE PACIFIC

Commercial Advertiser.

THURSDAY, SEPTEMBER 23.

It is a vital principle recognized in all constitutional governments, that their subjects or citizens have the right to discuss, approve or condemn every act of the government—especially when such act conflicts with the interests of the State or its people. Herein is based one of the strongest bulwarks which give a constitutional government its superiority over a dictatorial system, where free discussion is hampered or suppressed. It was to defend this right against the avowed and open hostility to it by a ministerial organ that this paper was established, and, if public sentiment is the criterion, it will be triumphantly sustained.

We have undertaken to discuss the merits of the French treaty, and, after examination, most unequivocally condemn it. In our community there is but one opinion in regard to it, (excepting only on the part of those few who are employed and paid to defend it, right or wrong,) and that is, that the treaty is one of the most iniquitous measures ever imposed on this government, hardly an improvement on the treaty of '79 and '40, which it supplants. In the expressive language of one fully competent to judge, "It is the most hotch-potch mass of confusion that has ever issued from the Foreign Office." All classes have the right to discuss it and all will condemn it, and their views will not be influenced by the arbitrary ideas advanced by the Minister who has fathered it, or by those of his official friends.

We have already adverted to several of the prominent faulty points in the treaty which we printed last week. There is one point, however, in which usage is so widely departed from, that the principle which the treaty yields can be viewed in no other light than a gross contempt of our judicial regulations. This is the right to administer on the estates of deceased subjects, embraced in Article XX. It is a fundamental law of territorial right, established by usage and the law of nations, that "consuls can exercise no judicial powers." This view of territorial right is recognized in all European treaties. In the treaty with Great Britain, Article IX is drawn up in conformity with usage, and allows the interference of consular authority on the demise of a subject intestate, only "until an executor or administrator be named according to the laws of the country in which the death may have taken place." The treaties with Bremen and Sweden and other powers recognize this principle of territorial right.

In the French treaty this is not recognized, but a new principle is advanced, which we suppose is hereafter to be established—that the consul is the only person fit to be entrusted with the settlement of such estates. The third section of the article grants to that official the right—

3. To cause proceedings to be taken, according to the usage of the country for the sale of the movable goods belonging to the estate in fine, to administer the property of the deceased, and to exercise the interference by the local authorities, in these various capacities.

It is quite true that the "local authorities" are allowed to be present at such proceedings, if they choose; but the inference is, that when such full judicial and administrative powers are taken from them by treaty stipulations, they will not choose to interfere or be present. Were this rule confined merely to the affairs of Frenchmen, its irregularity might not be noticed. But the right is conceded by parity to every consul that chooses to establish himself as a public administrator, a branch of business which, if introduced to the United States Consulate, will afford employment for the services of at least one active accountant. The "Additional Article" provides for an appeal, but it is doubtful whether it will ever become available. This right, which has been granted by the treaty to the French Consul can only be viewed as a bold infringement of the usage and principles of the law of nations. The effect of this concession on the part of our government is to degrade it to the level of an uncivilized tribe, without laws or an established judiciary—the very position in which, it would appear, it has been aimed to place it.

We have not alluded to the censurable points in this treaty, nor to the apparent antagonism in which the executive and legislative branches of the government are placed by the tenth article, changing the present laws of raising revenue, nor to the question of constitutionality which can be raised thereon; but have pointed out enough to show that it may become a potent engine of evil against our government, an instrument that, before the ten years of its limit are expired, may have threatened our very existence as an independent nation. In document drawn up with so much looseness and ambiguity, time alone can develop all its evil. We have shown in our last week's issue and in this, the following reasons why this treaty should never have been ratified, and can only be followed by evil consequences:

1st.—Its great ambiguity must give rise to more or less trouble in all cases of dispute between it and our foreign government.

2nd.—All its provisions do not apply (except by inference) to the colonies of France in the Pacific, and therefore the operation of the treaty must be adjudged partial.

3d.—Liberty to carry on an inter-island traffic in foreign goods, as well as to engage in the inter-island passenger trade in the Hawaiian kingdom, can be claimed by French vessels, without any corresponding benefit to Hawaiian vessels in French territories.

4th.—In case of a rejection of the "Additional Article," unrestrained liberty to sell liquors to natives, within and without the limits of Honolulu, can be claimed by French subjects.

5th.—The Hawaiian government is compelled to the official use of the French language with French subjects, and by parity other foreign languages must be introduced in like manner.

6th.—The right of a foreign government to interfere in our internal fiscal regulations is fully yielded as a precedent.

7th.—The stipulations of the treaty must cause a heavy loss to the Hawaiian government—estimated to exceed \$300,000 per annum.

8th.—Heavy expenses must be incurred by this government, in supporting revenue guards stationed on foreign vessels.

9th.—French whale ships are placed on the same footing as Hawaiian in respect to the importation of their catchings, to the serious loss of the revenue, if the same immunity is demanded by every foreign nation.

10th.—Extraordinary powers are granted to French consuls, in the administration on estates of deceased French subjects.

11th.—All the privileges granted by this treaty to French subjects can be claimed by every foreign

subject government with whom we have a treaty, for its subjects.

12.—To sum up all, the treaty recognizes an open violation of our rights as an independent sovereignty; is partial in its operation; exacting and unjust in its demands; a burden to the industry and resources of a weak nation; and a disgrace to the Ministry of Kamehameha IV.

Yet this is the document which we are vainly told, after being "turned round and round, looked at inside and out," was "unanimously" approved by the Privy Council. We say it with shame and with sorrow, that this treaty will, on the 8th of September, 1859, be a law of the land.

We are ashamed of our country that she has been so openly dishonored by her Ministry, that she cannot appear as a consort in the list of independent sovereignities. She will be looked at hereafter as disgraced by her Cabinet, and lowered from the proud eminence to which benevolent England and America have sought in vain to raise her, the level of a semi-civilized tribe or fourth-rate power.

In our review of the merits of this treaty we have not referred to the "Additional Article," technically called an "Act of Protestation," as it cannot yet be considered a part of the treaty. This measure was forced, solely by public opinion, on to the plenipotentiaries, who vainly endeavored to pass the treaty without adoption. Whether the effect of its having been qualified will be simply that of a subterfuge by which means a ratification of the treaty itself should be effected on our part, a few months will determine. Some of the objectionable points are referred to in that instrument, and are modified by it, but not wholly done away with. It will make in truth very little difference whether it is finally rejected or approved by the French Emperor. We have good reason to believe it will be rejected by him. If such be the case, the treaty must go into force, without it, as it is signed. The French Emperor signed it without qualification, our King signed it with objections; and there the matter must rest during the ten years the treaty is limited to exist.

The treaty is now ratified and must go into force in 1859. We have endeavored to show its faults and ambiguity. Time alone can fully develop its working. It may work smoothly, if an honorable and just consul represents French interests, or it may be made an instrument of oppression to this nation, should one of a contrary disposition have the interpretation of its articles. In case of dispute, and we risk little in predicting that twelve months will not elapse from the date of its enforcement before serious dispute will have arisen in regard to its stipulations,—we see no chance for settlement other than by that rule which is too often brought to bear on feeble governments, and of which Tahiti and Pomare are lasting monuments, that "might makes right."

In vain will it be to talk then of the sympathy and power of England or America. They will only point the finger of scorn to us and tell us that we willingly employed a Ministry who have brought on us all this evil, when fully warned against it.

And here we leave this treaty. Though designed to be a "laurel wreath" to bind the brow of a gallant statesman—a capstone to crown the pinnacle of Hawaiian diplomacy, it will only remain and be viewed as a monument of diplomatic folly, pointing out to succeeding generations the fall when the glory of Hawaii departed, when a poor and feeble government, slowly advancing in commerce, science and the arts of industry, was checked in its youthful career by burdens and restrictions which she could not bear, imposed on her by a Ministry unanimously condemned by public opinion.

Most Disgraceful Conduct.

Some months ago it will be recollected that the retail liquor license of Mr. A. Peatt was declared to be forfeited, on account of his selling liquor to the natives. His bondsman, too, was compelled to forfeit five hundred dollars to the government on account of the misdemeanor of his principal. All this was doubtless strictly in accordance to law, although it was considered by many to be unjust on the part of the government to compel a poor man to forfeit even half his bond for no offense of his own. Had the bondsman been a rich man, however, no notice would have been taken of his part in the play, and he would probably not have had to pay the first dollar. "Circumstances alter cases."

We will let this pass, however, and come to the subsequent transactions. The premises and dwelling of Mr. Peatt were attached by the Sheriff, and after due notice, sold. Although occupied up to the day of sale by the former occupant, who still claims possession, the terms at the sale, which took place four weeks ago to-day, were that immediate possession would be given. The premises were bid off to Mr. A. Bolster, who was the bondsman alluded to, on an assurance from the Sheriff that he would be given possession immediately, paid the purchase money. A month has passed by, and the purchaser has been unable to obtain control of his property. Application has been made to the Sheriff several times to obtain it, and the cool reply is made that the purchaser must now get a writ of ejectment from the Supreme Court, which involves, with its attendant fees, an expense of a hundred dollars or more. The above is a plain statement of the case.

Now, we ask, what authority has the Sheriff or any other officer of the government to tamper with the rights of residents after this manner? Is it a right we are all interested in, and must not be passed over lightly. We will not consent to see any one imposed on by government officers. If the property sold on the part of the government was honestly purchased and paid for in good faith, the government is bound to give possession without expense according to the terms of sale, or else restore the purchase money, when demanded by the purchaser or his attorney, as was demanded in this case.

The whole transaction is a most shameful imposition on the part of government agents, on one whose only fault appears to be that he is poor and an Irishman. Had the purchaser been a rich man and an American or Englishman, (we say it at the risk of making an Irish bull,) he would not have had to wait a day before obtaining possession; but being as he is, he is told by the Sheriff that there is his property, and he can take possession when he likes. We have rarely heard of any transaction so base, and if the government does not take immediate steps to rectify it, people will have to find some other mode of redress. Were the purchaser, we would not spend one dollar to eject the tenant who claims sole right to the premises, even if a twelvemonth's notice, and we believe that any jury would give damages against the Sheriff or the government for loss sustained.

We are glad to hear that the British Acting Consul has taken the matter in hand, to call the attention of the government to the outrage, and hope he will not dismiss it till full compensation is afforded to the injured party.

Hereafter, when the Sheriff sells attached property, we would suggest that he give notice that possession will be given when the former owner chooses to relinquish his claim.

To ARRIVE.—Brigantine John Dunlop sailed from San Francisco Sept. 1, in company with three clippers. She may be looked for when her small stores are exhausted. The *Syren*, *Mountain Wave* and *Young Greek* from Boston. *Alexander* from New London. *Harriet* and *Jessie* from New Bedford. *Portia* from Liverpool, brings *Harburg* and *Zealand* from Bremen, are at due and may be in any day, bringing in all some 6000 tons of merchandise.

NOTES OF THE WEEK.

MECHANICAL BENEFIT UNION.—In another column we publish the annual statement of this Society, by which it appears that it is in a flourishing condition and has a fund of \$1800 on hand. Among the benevolent societies in Honolulu, none is more active than this. It was organized some four years ago, and the occasion that gave it an origin, was an accident sustained by a poor carpenter, who had his arm nearly cut in two by a circular saw. During the four years of its existence it has relieved many cases of want. By its rules, members disabled by sickness are allowed to draw for their support from its treasury as long as they are unable to work. It has received a charter from the King, and with care on the part of its officers may yet become a strong and wealthy benevolent corporation. We would suggest to some of our rich men, who have risen from the forecastle or the plane, to a state of independency, that an easy way to leave behind them a monument of their benevolence, would be to erect a building in Honolulu or bestow a sum of money to the above society—for the erection of such a building, to be kept open as a public institution, with lecture-room, library and society-rooms, for the free use of all who might choose to join it. We only wish to throw out the hint, if any one among us has money with which he may choose to plan his own monument.

CLIPPER SHIPS.—We have in port to-day, more tonnage of clipper ships than at any one time for several years. The vessels are the *Golden Eagle*, 1200; *E. F. Willets*, 825; *Skyhawk*, 1200; *West Wind*, 1070; an aggregate of 4304 tons, or a capacity of about 25,000 barrels oil. Add to these the *Candace*, which is loading for Europe, and will take about 2800 barrels, and we have a sum total of nearly 28,000 barrels required to fill the vessels already laid out for oil. Last year, in homeward bound whalers, the clipper ships carried 1,200,000 barrels of oil. From this port, 45,500 barrels of oil and 722,764 lbs. of whalers, besides some 40,000 lbs. original cargo of whalers. There will not be so many homeward bound whalers this year as last. Besides oil and bone, the quantity of other freight, such as hides, wool, tallow, guano, &c., is constantly increasing. We are informed also that hereafter preference will be given to merchantmen taking oil, as it is found that oil invariably turns out in better order from them than when shipped by whalers. The contrary opinion formerly prevailed.

WHAT TO PAY NOW?—After nearly three weeks' silence, the government organ comes out and informs the public that there was a salute over the supposed rejection of the French Treaty by His Majesty, and the modesty to think that it "was an act of indiscretion, highly commendable in every way." This it was not commendable, that it received the open approval of the community and the tacit approval of the government organ itself, is very apparent in its not putting forth a censure until compelled to do so by positive command to preserve the *entente cordiale*. The item referred to bears internal evidence of its source. The act of firing a salute over the supposed defeat of such a wretched instrument meets the hearty approval of everybody here, and would have met with like public joy in England or France. The only disappointment is that the cause for rejoicing was not better founded.

A CLIPPER RACE.—One of the finest sights we have ever seen in the marine navy line, was that which occurred on Thursday last. At 2 P. M. the clipper ship *E. F. Willets*, came round the Head, at 3 o'clock followed the *Skyhawk*, at 4 o'clock the *Golden Eagle*, and at 5 o'clock the *West Wind*. Each followed the other just one hour apart. The three first crossed the bar at San Francisco on the 1st, and had an even start, the *E. F. Willets* fairly beating the *West Wind* on the 3d, and made the shortest passage by two days. They were all beautiful vessels and we hope those that are here will readily find cargoes.

FIRE.—Last Friday at about one o'clock, the alarm of fire was given, and proved to proceed from a straw-house situated at the head of Emma street. Engine No. 2 and the Hook and Ladder Company were promptly on the spot, but were only able to prevent the fire from spreading. A little half-caste girl, about two years of age was unfortunately burned to death, and his mother, who was away from home when the fire occurred, was quite distracted when she came back and received the charred remains of her little one. The father, whose name we cannot learn, is said to be an officer on board a whaler, and is now absent.

THE SAILOR FIREMEN.—When the fire-bells rang last Friday, the Fire Brigade of the French corvette *Eurydice* lying in this harbor, under command of an officer, came on shore with great expedition, and with their engine, leading and suction hose, were proceeding to the fire, when, meeting the Marshal they learned that the fire was out. Had there been an opportunity, they would doubtless have rendered efficient aid, as they are well drilled, and their machine though small, can be set at work in a very short space of time. We take pleasure in noting this evidence of good feeling on the part of our naval friends.

NEW PIER AT KAWAHAE.—Whalers and others will be interested to learn that Mr. May has recently erected a new pier, with a railway and car for shipping off produce at the above port. With present facilities, a hundred barrels of potatoes can be sent off in two hours, and ships need not be detained but a very short time for all the supplies they may want. Kawahae Irish potatoes are equal to the very best imported.

HAWAIIAN THEATRE.—This establishment has been leased by the agent of Miss Annette Ince, and will, we learn, be opened about the first of October. The building is to be thoroughly renovated, with new scenery, and new seats, and what is of equal importance in a warm climate, it is to be newly ventilated. We learn that a reinforcement of talent has been sent for by the *Yankee*, so that by the time the season has fairly commenced, a good company will be here to amuse our seafaring visitors.

SHOT PRACTICE.—On Tuesday last, H. I. M.'s corvette *Eurydice* practiced a couple of hours at firing at a miniature fort erected for the purpose on the reef some six hundred yards from the ship. After getting the range, the fort was soon pretty thoroughly riddled with shot, but with all their tact they could not make the besieged strike their flag, and at sundown, it was still flying as proudly as ever it did over the Redan. The attack showed, however, what might have been the fate of a real fort and garrison under the same circumstances.

WEDDING.—We learn that the live of bees which Capt. Cummings took to Kealahou the last trip of the *Kanaloa*, has proved an entire loss. On the passage up, the wax melted and a large portion of the swarm was killed, and on arriving at Hawaii, those that survived deserted the hive and have not been seen since. It is to be hoped that His Majesty will be more successful with the hive that went up by the *Maria*.

FOR THE MINES.—For those parties intending to proceed to the Fraser River diggings, a good opportunity is offered by the fine barkentine *Jenny Ford*, to sail the latter part of this week. Capt. Ford, of the *Jenny Ford* says that the mines are of abundant richness, and that the river is lowest about this time.

EQUINOXIAL.—On Monday, the 20th, the weather became oppressive and warm, and on Tuesday it was showery, indicating a return of unsettled weather, but yesterday the clouds were dispersed by a puff of the trade wind, and we presume our usual equinoctial storm has been postponed for a few days.

SAMOA REPORTER.—We have received a copy of the above (almost a year old) printed at Upolu, Samoa, South Pacific, at the press of the London Missionary Society. We purpose making some extracts from it next week, of some curious traditions of the Samoans.

SCHOONER FLYING DART.—This vessel, which arrived yesterday morning, brings but one day's later dates than were received by the *West Wind*, viz to the 4th instant.

FRANCE'S LAST LETTERS.—The fourth and last issue of Dr. Frick's course will be delivered by himself this evening. Time and place the same as before.

THE JOHN MARCHALL.—This vessel was sold at auction on Monday last for \$2625. Including her effects, the total sum realized was \$3023. The sum which the vessel brought is extremely low, as she is in good condition for any voyage. A. J. Cartwright, Esq., was the purchaser. She is to be laid on as a regular packet between this port and San Francisco.

REV. A. O. FORBES will preach next Sabbath, 26th inst., in the Fort Street Church, at 11 o'clock, A. M., and at 7 P. M. This community is cordially invited to attend.